IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(***Special Original Jurisdiction***)

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WP.No.16381 of 2005

Dated 27-7-2005

Smt.Shaik Sathar Bi … Petitioner

Versus

The Collector & Dist.Magistrate, Ongole,

Prakasam district & Ors. … Respondents

Counsel for the Petitioner : Mr. Prabhakar Bommagani.

Counsel for Respondents : Govt.Pleader for Revenue

THE HONOURABLE SRI JUSTICE

ELIPE DHARMA RAO

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WRIT PETITION No.16381 OF 2005

O R D E R :

This writ petition is filed seeking mandamus to declare the action of the respondents to dispossess the petitioner from her peaceful possession and enjoyment over Plot

No.16 situate in survey no.27/1-A3 in an extent of Ac:0-03 cents of Kondapi village and Revenue Mandal of Prakasam district by canceling her possession certificate No.RC.HA/424/04 dated 19-1-2004 as illegal, null and void.

The petitioner submits that her mother's brother Mr.Shaik Chinna Mastan son of Shaik Khasim resident of Kondapi village of Kondapi Mandal, Prakasam district, is the owner and possessor of the said land since more than five decades. The said land was a Gram Kantam land. The landless poor persons were entered into the possession of the land about ½ century ago and were enjoying the possession over the land.

The petitioner submits that prior to her, her uncle was also in possession of the aforesaid land. Since her uncle fell sick, herself and her husband used to lookafter her uncle. After the death of her uncle's wife also, the petitioner used to lookafter him. In view of the petitioner's services and out of love and affection, her uncle executed settlement deed in her favour in the year 1989 devolving all his rights over the said land. Thereafter, she made a representation to the Mandal Revenue Officer, Kondapi Mandal to issue possession certificate and accordingly, the Mandal Revenue Officer, Kondapi Mandal had issued possession Certificate RC.No.HA/424/04, dated 19-1-2004.

In this context, the petitioner further submits that due to torrential rain, the roof of her house, which is made of zinc sheets were damaged. Consequently, the petitioner demolished the zinc sheets house and constructed a pucca building upto basement level.

While things stood thus, the third respondent under the instigation of some of her relatives in connivance with local political leaders, who are inimical towards her are trying to dispossess her from her peaceful possession by canceling her possession certificate, which was issued in the year 2004. Now the grievance of the petitioner is that if her possession certificate is cancelled without following due process of law, she will be put to great hardship. She being a widow, paying cist towards the said house regularly to the Government and moreover she spent her earnings for making construction at basement level. Further she got issued a legal notice to the respondents calling upon them not to interfere with her peaceful possession by canceling the possession certificate. Therefore, she filed the present writ petition apprehending that her possession certificate Rc.No.Ha/424/04, dated 19-1-2004 issued by the Mandal Revenue Officer, Kondapi Mandal may be cancelled without following due process of law.

Considering the facts and circumstances, without going into the merits or otherwise, I deem it appropriate to dispose of the writ petition at the admission stage directing the respondents to follow due process of law by issuing notice to the petitioner before contemplating action of cancellation of Certificate RC.No.HA/424/04, dated 19-1-2004 issued by the third respondent and there shall be interim direction to the respondents not to dispossess her from Plot No.16 situate in survey no.27/1-A3 in an extent of Ac:0-03 cents of Kondapi village and Revenue Mandal of Prakasam district, without following due process of law. However, this order does not preclude the respondents from taking any action in accordance with law.

With the above direction, the writ petition is disposed of at the admission stage. No

costs.

JULY 27th, 2005. ----------

I S L. ELIPE DHARMA RAO, J.

To

1. The Collector & Dist.Magistrate, Ongole, Prakasam district.
2. The Revenue Divisional Officer, Ongole, Prakasam district.
3. The Mandal Revenue Officer, Kondapi Mandal, Prakasam district.
4. Two CCs to Govt.Pleader for Revenue, High Court Buildings, High Court of AP Hyderabad.
5. One CC to Mr.Prabhakar Bommagani, Counsel for the Petitioner.

6. Two CD copies.